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SUBJECT: Party-State relations in Vietnam

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1. (SBU) Summary. The Communist Party continues to run the show in Vietnam, and there are even calls for it to "strengthen" its leadership over the State at a time when direct Party control over the economy and over individual lives has been generally declining. The CPV's leadership role stems directly from the trust of the people, according to senior CPV officials; in order to retain that trust the Party must be willing to admit mistakes. Apart from setting general guidelines, CPV committees also retain oversight of GVN implementation and sometimes provide ongoing advice to State organs, which has led to some Party-State conflicts, especially at lower levels. While the judiciary remains technically "independent," Party officials continue to have input into investigations, arrests, and prosecutions, although not -- in theory -- on actual sentencing, even on sensitive political cases such as cyber-activist Pham Hong Son. CPV cells remain omnipresent throughout the bureaucracy, at all levels. End Summary.

2. (U) The Constitution of the Socialist Republic of Vietnam specifies that the Communist Party of Vietnam is the "force leading the State and society" but that all party organizations must "operate within the framework of the Constitution and the law." The realities of Party-State relations remain little understood or discussed, however.

3. (U) The pinnacle of the CPV is its 15-man (literally; there are no women members) Politburo, while that of the State is the "Government" (comparable to the Cabinet in the U.S.), composed of the Prime Minister, three Prime Ministers, and 26 ministers or ministerial-equivalents (the chairmen of Commissions on Ethnic affairs, on Population, Family, and Children, and on Physical Training and Sports, as well as the heads of the State Bank, State Inspectorate, and Office of Government.) Institutional overlap between Party and Government is inevitable: sitting on the Politburo -- in addition to General Secretary Nong Duc Manh and party chiefs for Hanoi and Ho Chi Minh City -- are the President, Prime Minister, one Deputy Prime Minister, and three Ministers (Public Security, Defense, and Culture and Information), as well as the Chairman and one Vice Chairman of the National Assembly.

Who gets which jobs

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4. (U) In a meeting with Ambassador and Pol/C (ref a), Politburo member and CPV Organization Commission Chairman Tran Dinh Hoan admitted that the Party had the final say on major State appointments. He cited the example of Vice Ministers, who must be vetted by the Party cell (see para 12) within the Ministry first, then recommended by the Minister and approved by the Prime Minister. After the Prime Minister's decision, however, the Organization Commission must give its blessing (or not), Hoan said, while nonetheless stressing that the CPV did not have the exclusive role in deciding. He added that there was "close coordination" between Party and state organs during this "open" process, which in principle could be as short as two weeks. The CPV was primarily responsible for ensuring that appointees meet criteria for "dignity and character" and that they "deserved" the appointment.

5. (U) Hoan emphasized that CPV membership was not a requirement for senior-level appointments, noting that historically there had been Deputy Prime Ministers as well as Ministers (especially in technical fields such as Education, Agriculture, and Health) who were non-Party figures. He indicated that, currently, "some" Vice Ministers were non-CPV members, without giving examples. He admitted, however, that as non-CPV members rose through the State ranks, the CPV often "brought them in."

Making mistakes

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6. (U) Hoan described CPV leadership as setting the "strategic orientation" for the "concrete implementation" by the State. He emphasized that the CPV did not and should not "replace" the State, and that the CPV remained only a

"part of the political system," which it nonetheless leads. He claimed that the CPV drew its strength and authority from "the people." In slight contrast, he noted that "the people" also built the State, but could also "overthrow" it, whereas no one would wish any alternative to the CPV. He stressed the importance that the CPV admit its mistakes to the people and take responsibility, as it had when Ho Chi Minh apologized publicly and removed then-General Secretary Truong Chinh over post-1954 land reform mistakes. Hoan added that mistakes originated whenever the Party "didn't listen to the people." In response to the "opinions of the people," the CPV also must continually engage in self-reform ("tu doi moi," an expansion of the term for Vietnam's economic renovation program since 1986).

#### Readjusting relations

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17. (U) In a separate meeting with Pol/C, Le Duc Binh (former head of the CPV's Internal Affairs Commission) and Dr. Pham Ngoc Quang (former dean at the Ho Chi Minh Political Academy) elaborated on a July 2003 article (ref b) on "strengthening Party leadership in State management work" in the CPV's theoretical publication "Communist Review" (Tap Chi Cong San). Binh noted that the CPV's leading role stemmed not from "force" but from the "people's wishes," without which the CPV could not maintain its power. The role of the CPV is to "help" the State to "develop the potential and interests" of the nation, he claimed. He described the CPV as only a "political party, not a manager." He predicted that the CPV leadership quality would continue to rise and push the State's legal development and socialist progress to "even higher stages," while ensuring also "better service."

18. (U) In their article, however, the authors highlighted the need to "enhance" Party leadership over the State as well as to "strengthen" its leadership "over the political system in general." They explicitly reminded that the CPV's role was not only to set the "orientation" for the State (as suggested by Hoan) but also to "lead in the implementation of these policies and directly settle some serious issues." Interestingly, they also admitted some "conflicts" between Party Committees and People's Committees at provincial and local levels due to this overlap. They cited specifically the central role of CPV organs in reviewing performance of and in assigning State cadres.

19. (U) Binh and Quang explained that the impetus for their article at this time was that "some" State cadres continue to "misunderstand," "implement badly," or even to "violate" CPV policies and guidelines. Therefore, "strengthening" the Party would "raise State effectiveness to a higher level." They admitted the increasing "dangers" of corruption and over-bureaucratization, which had sparked public criticism via the National Assembly. Binh also admitted that the CPV, and therefore the GVN, had "made mistakes" due to its limited experience in economic affairs in the post-doi moi era. As a result, CPV "leadership capacity" and the "feelings of the people" had been "hurt," another reason for the immediate need to strengthen Party leadership now in the face of new challenges.

#### Judiciary work

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10. (U) The "Communist Review" article admits an important role for the CPV in juridical work, including in the "arrest, investigation, and prosecution" phases, while simultaneously emphasizing the independence of judges. However, the authors noted that "apart from political and major socioeconomic transgression cases, the Party will let the judicial sector handle all other cases" and that "for cases involving political crimes," the Party cell would "provide orientations on court trial." They also admitted past cases of "incorrect leadership," in which Party committees had "interfered deeply into activities of the judicial sector." Binh explained these comments as a reflection on the relative newness of the legal system in Vietnam, in which CPV "advice" remained valuable to judicial officials. He reiterated that judges were strictly "independent" and influenced only by the law. The role of CPV cells in judicial organs was only to "oversee that they follow the law," not to "interfere," Binh claimed.

11. (U) While admitting that the CPV retains a special interest and role in "political crimes," Binh assured that the CPV did not "dictate" outcome of individual trials. Specifically in the case of cyber-activist Pham Hong Son (who was given a 13 year sentence in June on grounds of "espionage," only to have the term shortened to five years upon appeal), Binh maintained that the CPV itself had not made the decision either on the original sentence or on the appeal, and that "international concerns" were not at all relevant in judicial decisions.

12. (U) Binh and Quang confirmed that the CPV network spreads throughout the State mechanisms at the national, provincial, and state levels. Each Ministry has a central Party Cell, usually chaired by the Minister, composed of 5-7 members at smaller Ministries (probably like MFA) and 13-14 people for larger ministries. Similar cells exist downward within Ministries for branches and departments, as well as in other State agencies, schools, universities, etc. (Many institutions and State organs also run parallel cells for the Youth Federation, whose members go up to the age of about 28.) Binh claimed that the main function of Party cells was to act as "model" for State employees, not to decide on specific policies, as well as to "propagandize" Party guidelines and orientations. They claimed, however, that formal meetings of the Party Cells were rare, sometimes only once every year or two, while declining to generalize upon less formal mechanisms for retaining the Party leadership within each Ministry and agency.

Comment

13. (SBU) The longer-term trend in Vietnam over the past fifteen years has been toward the diminishment of the role of the Party -- and indeed of the State -- in the economy as well as in the lives of individual citizens. The CPV nonetheless continues to maintain its monopoly of political power and remains the ultimate arbiter of all major decisions, in all sectors. Its network ensures broad and deep -- but not always effective or impartial -- oversight, and the redundancy between Party and State roles also helps to ensure that GVN cadres hew to the Party line. In the midst of Vietnam's efforts to build a "law governed" society and international efforts (including by USG) to promote rule of law, CPV protestations of judicial independence ring somewhat hollow, at least on sensitive cases. Increasingly, the long-standing tradition of rule-by-party will run into conflicts with the growing maturity of rule-by-law.

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